

Article 7 | Design Standards

Sec. 7.1 Housing Types

Commentary: The following housing types are established to provide a common terminology for housing in Durham. The choices include a variety of housing types, some of which may not be currently found in Durham, to provide for their potential use in the future. All drawings in this section are for illustrative purposes only.

7.1.1 In General

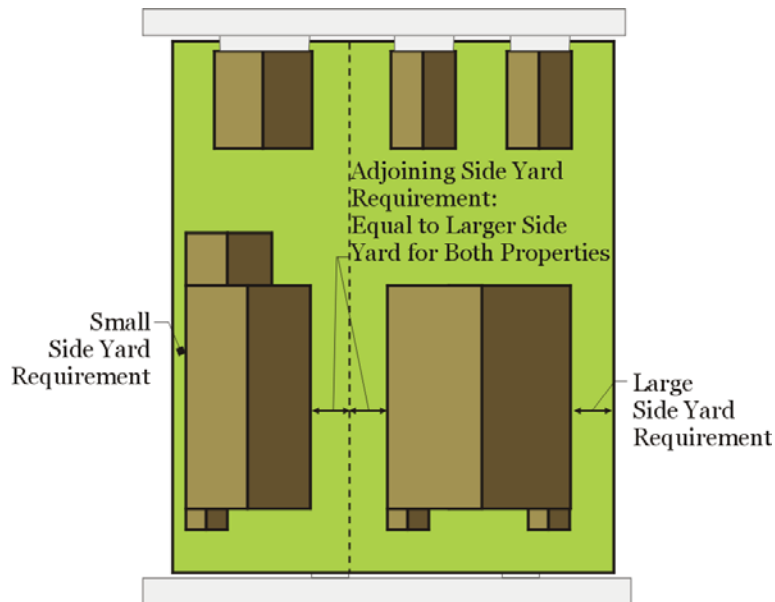
Commentary: All residential uses shall meet Durham Housing Code requirements as set forth in Article VI, Chapter 6 of the Durham City Code.

A. Condominium Development

Condominiums shall be recorded in compliance with the North Carolina Condominium Act (NCGS §47C).

B. Yard Standards on Blocks with Mixed Housing Types

Where housing types are mixed on the same block face and adjacent to one another, the larger of the two adjoining required side yards shall be required for both units.



Commentary: This ensures that single-family detached homes abutting other housing types, such as townhouses or zero lot line units, are adequately protected.

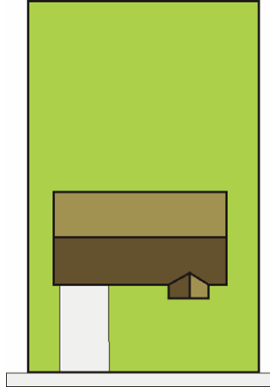
7.1.2 Single-Family Detached House

A. Description

A single-family detached house is normally located on a privately-owned lot with yards on all four sides of the house. Vehicular access may take place from the front, side, or rear of the lot.

B. Development Standards

A single-family detached house shall be permitted in accordance with the table below. A single-family detached house shall also be permitted in the RR District in accordance with the standards of Sec. 6.2.1A.



	RS-20	RS-10	RS-8	RS-M	RU-5	RU-3	RU-M	RC	DDO-3
Single-Family Detached Standards									
Conventional Subdivision									
Lot Dimensions (min. square feet)									
Lot Area (w/o averaging.)	20,000	10,000	8,000	5,000	5,000	3,750	3,500	5,000	5,000
Lot Area (with averaging) ¹	17,000	8,500	6,800	4,250	4,250	2,975	2,975	4,250	4,250
Lot Width (feet)	100	75	60	35	45	40	35	35	35
Yards (min. feet) ²									
Street Yard (adjoining collector or greater street)	35	25	25	25	20	15 ³	15 ³	10 ³	10 ³
Street Yard (adjoining local street)	35	25	25	20	20	15 ³	15 ³	10 ³	10 ³
Street Yard (with rear vehicular or alley access)	5	5	5	5	5	5	5	5	5
Side Yard (single)	12	10	9	6	6	6	6	6	6
Side Yard (total)	30	24	22	15	15	15	15	15	15
Rear Yard	25	25	25	25	25	25	25	25	25
Cluster Subdivision									
Lot Dimensions (min.)									
Lot Area (square feet)	10,000	5,000	4,000	---	3,500	3,000	---	---	---
Lot Width (feet)	75	40	40	---	40	35	---	---	---
Yards (min. feet)									
Street Yard	25	20	20	---	15 ³	15 ³	---	---	---
Street Yard (with rear vehicular or alley access)	5	5	5	---	5	5	---	---	---
Side Yard (single)	9	6	6	---	5	5	---	---	---
Side Yard (total)	22	13	13	---	12	10	---	---	---
Rear Yard	25	25	25	---	25	25	---	---	---

¹ Lot area with averaging may only be used if the requirements of Sec. 6.3.3C, Lot Averaging, are met.

² Yard modifications may be permitted pursuant to an adopted corridor study or through application of infill regulations (Sec. 6.8),

³ Shall be 20 feet with front-loaded vehicular access or driveways.

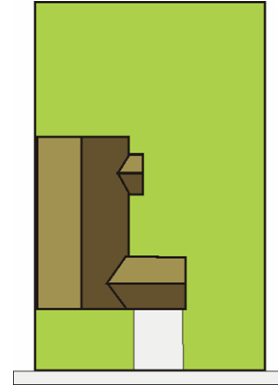
7.1.3 Zero Lot Line House

A. Description

A zero lot line house is positioned on one lot line without any setback, with private yards on the other three sides of the building including a wider side yard on one side

B. Development Standards

A zero lot line house is permitted in accordance with the table below.



Zero Lot Line House Standards	RS-10	RS-8	RS-M	RU-5	RU-3	RU-M	RC	CBD or DDO-3
Conventional Subdivision								
Lot Dimensions (min. square feet)								
Lot Area (w/o averaging)	10,000	8,000	5,000	5,000	3,750	3,500	5,000	5,000
Lot Area (with averaging) ¹	8,500	6,800	4,250	4,250	2,975	2,975	4,250	4,250
Lot Width (feet)	75	60	35	45	40	35	35	35
Yards (min. feet) ²								
Street Yard (adjoining collector or greater street)	25	25	25	20	15 ³	15 ³	10 ³	10 ³
Street Yard (adjoining local street)	25	25	20	20	15 ³	15 ³	10 ³	10 ³
Street Yard (with rear vehicular or alley access)	5	5	5	5	5	5	5	5
Side Yard (single)	0	0	0	0	0	0	0	0
Side Yard (total)	20	18	12	12	12	12	12	12
Rear Yard	25	25	25	25	25	25	25	25
Cluster Subdivision								
Lot Dimensions (min.)								
Lot Area (square feet)	5,000	4,000	---	3,500	3,000	---	---	---
Lot Width (feet)	40	40	---	40	35	---	---	---
Yards (min. feet)								
Street Yard	20	20	---	15 ³	15 ³	---	---	---
Street Yard (with rear vehicular or alley access)	5	5	---	5	5	---	---	---
Side Yard (single)	0	0	---	0	0	---	---	---
Side Yard (total)	12	12	---	10	10	---	---	---
Rear Yard	25	25	---	25	25	---	---	---

¹ Lot area with averaging may only be used if the requirements of Sec. 6.3.3C, Lot Averaging, are met.

² Yard modifications may be permitted pursuant to an adopted corridor study or through infill regulations (Sec. 6.8)

³ Shall be 20 feet with front-loaded vehicular access or driveways.

C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

1 **D. Designation on Plat**

2 The subdivision shall be designated as a zero lot line subdivision on the plat at the
3 time of approval.

4 **E. Easement**

5 Easement agreements shall be recorded to allow maintenance and access for that
6 side of the dwelling adjacent to the property line.

7 **F. Privacy**

8 **1.** ~~When the minimum side yard is used,~~ On the property line that the structure is
9 built to, a privacy fence or wall at least six feet high is required between
10 buildings lots, to the rear of the structure.

11 **2.** If the side wall of the house is located on or within three feet of the property
12 line, windows or other openings that allow for visibility into the side yard of the
13 adjacent lot are not allowed. Windows that do not allow visibility into the side
14 yard of the adjacent lot, such as a clerestory window or a translucent window,
15 are allowed.

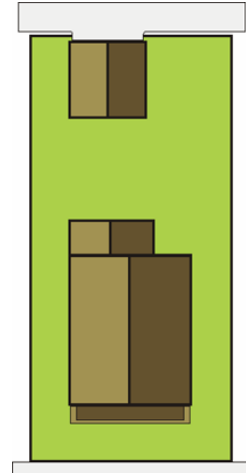
7.1.4 Traditional House

A. Description

A traditional house is a single-family detached house that is set closer to the street than a conventional single family detached house and takes vehicular access from the rear. It has private yards on each side of the building.

B. Development Standards

A traditional house is permitted in accordance with the table below.



Traditional House Standards	RU-5	RU-3	RU-M	RC	DDO-3
Conventional Subdivision					
Lot Dimensions (min. square feet)					
Lot Area (w/o averaging)	5,000	3,750	3,500	5,000	5,000
Lot Area (with averaging) ¹	4,250	2,975	2,975	4,250	4,250
Lot Width (feet)	45	40	35	35	35
Yards (min. feet) ²					
Street Yard	10	10	10	10	10
Street Yard (with rear vehicular or alley access)	5	5	5	5	5
Side Yard (single)	6	6	6	6	6
Side Yard (total)	15	15	15	15	15
Rear Yard	25	25	25	25	25
Cluster Subdivision					
Lot Dimensions (min.)					
Lot Area (square feet)	3,500	3,000	---	---	---
Lot Width (feet)	35	35	---	---	---
Yards (min. feet)					
Street Yard	12	12	---	---	---
Street Yard (with rear vehicular or alley access)	5	5	---	---	---
Side Yard (single)	5	5	---	---	---
Side Yard (total)	12	12	---	---	---
Rear Yard	25	25	---	---	---

¹ Lot area with averaging may only be used if the requirements of Sec. 6.3.3C, Lot Averaging, are met.

² Yard reductions may be permitted in accordance with Sec. 6.8, Infill Development in Residential Districts.

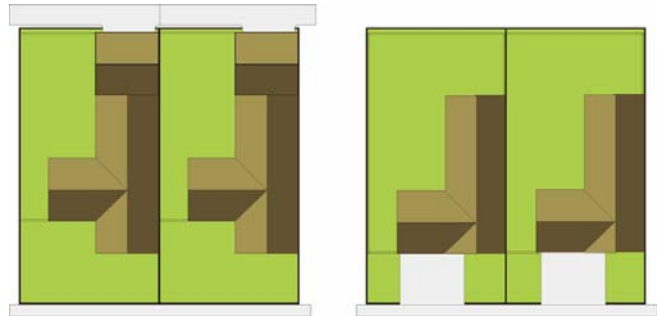
C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

7.1.5 Patio House

A. Description

The patio house is a single-family detached house similar to a zero lot line house that is placed on a small lot. Due to the modest area of the lot, the rear and side yard patio may be enclosed by a wall, while still preserving a narrow street yard.



B. Development Standards

A patio house is permitted in accordance with the table below.

Patio House Standards	Suburban	Urban, Compact, and Downtown
Site Area (min. square feet)		
Per Group	25,000	25,000
Per Dwelling Unit	3,000	3,000
Lot Dimensions (min.)		
Lot Width (feet)	35	35
Yards (min. feet)		
Street Yard	25 ^{1,2}	12
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20
Street Yard with Rear Vehicular Access (from alley)	5	5
Rear Yard	25	25
Building Separation	10	10
Patio (min.)		
Area (square feet)	1,000	1,000
Width (feet)	20	20

¹ Yard modifications may be permitted pursuant to an adopted corridor study.

² Yards may be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

³ Front vehicular access may be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

D. Privacy

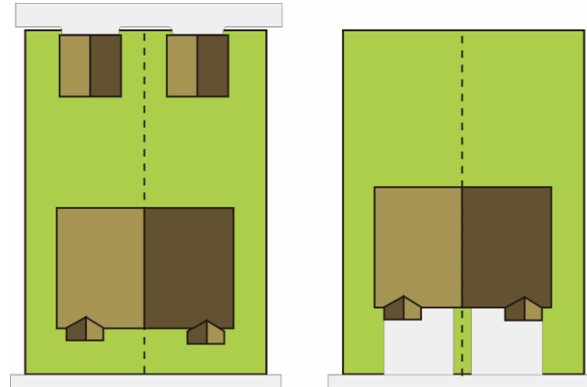
- On the property line that the structure is built to, a privacy fence or wall at least six feet high is required between lots, to the rear of the structure.
- If the side wall of the house is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side

1 yard of the adjacent lot, such as a clerestory window or a translucent window,
2 are allowed.

7.1.6 Semi-Attached House

A. Description

A semi-attached house is a single-family house with a shared common wall along one of the lot lines that separates the two lots.



B. Development Standards

A semi-attached house is permitted in accordance with the table below.

Semi-Attached House Standards	Urban, Compact, and Downtown	
	Suburban	
Site Area (min. square feet)		
Per Building	7,000	7,000
Per Dwelling Unit	3,000	3,000
Lot Dimensions (min.)		
Lot Width (feet)	35	35
Yards (min. feet)		
Street Yard	25 ^{1,2}	15
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20
Street Yard with Rear Vehicular Access (from alley)	5	5
Side Yard (on unattached side)	8	8
Rear Yard	25	25

¹ Yard modifications may be permitted pursuant to an adopted corridor study.

² Yards may be reduced to as little as 15 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

³ Front vehicular access may be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

7.1.7 Duplex

A. Description

A duplex is a two-family dwelling in a single structure on a single lot. Individual units may be located on separate floors or side-by-side.



B. Development Standards

A duplex is permitted in accordance with the table below.

Duplex Standards	Suburban	Urban, Compact, and Downtown
Site Area (min. square feet) Per Dwelling Unit	3,750	3,500
Lot Dimensions (min.) Lot Width (feet)	60	60
Yards (min. feet)		
Street Yard	25 ^{1,2}	15
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20
Street Yard with Rear Vehicular Access (from alley)	5	5
Side Yard	8	8
Rear Yard	25	25

¹ Yard modifications may be permitted pursuant to an adopted corridor study.

² Yards may be reduced to as little as 15 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

³ Front vehicular access may be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

7.1.8 Townhouse

A. Description

A townhouse is a building made up of three or more attached units where the units are lined up in a row and share side walls.



B. Development Standards

1. A townhouse is permitted in accordance with the table below.

Townhouse Standards	Suburban	Urban, Compact, and Downtown
Yards (min. feet)		
Street Yard	25 ^{1,2}	12
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20
Street Yard with Rear Vehicular Access (from alley)	5	5
Shared Parking Setback	12	12
Rear Yard	20	20
Building Separation	10	10

¹ Yard modifications may be permitted pursuant to an adopted corridor study.

² Yards may be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

³ Front vehicular access may be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

2. In order to provide visual diversity, no more than ~~six~~ four contiguous townhouse units shall be allowed with the same setback and the same facade treatment. Variations in setback ~~must~~ shall be at least ~~two~~ three feet. Townhouses in a Historic Districts and Landmarks Overlay may be exempted from this requirement with the approval of the Historic Preservation Commission.

C. Access

Where a developed alley is provided, all vehicular access shall be taken from the alley.

1 **D. Privacy**

2 Townhouses shall have a front, side, or rear privacy yard having a minimum area of
3 100 square feet on each lot. ~~The privacy yard space may be deducted from any open~~
4 ~~space requirement.~~

5 **E. Residential Protection**

6 Common recreation areas, such as a clubhouse, swimming pool, and/or tennis,
7 volleyball, or basketball courts, shall be oriented internally or along major roadways,
8 and away from residential development on neighboring properties. All such facilities
9 shall be visible from and have substantial access to a street.

10 ~~Site plan approval shall be required for all projects prior to permitting.~~

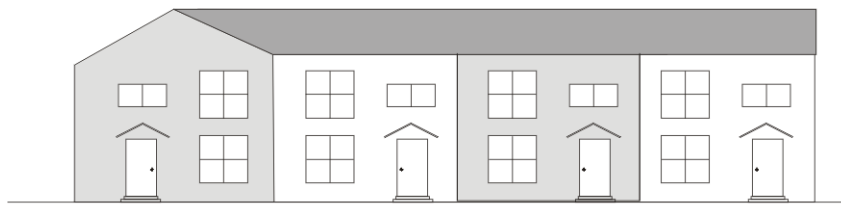
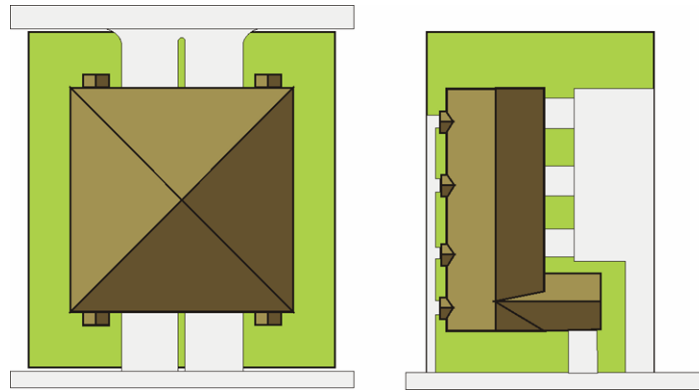
11 ~~Landscaping and buffers, if required by Article 9, shall apply to the perimeter of the project,~~
12 ~~parking areas, and areas to be screened.~~

13 ~~Architectural features and facades should provide sufficient architectural variation and scale,~~
14 ~~and should be compatible with nearby structures by utilizing authentic or historic details.~~

7.1.9 Multiplex

A. Description

A multiplex is three or four single-family units consolidated into a single structure using common walls on a single lot. Individual units may be located on separate floors or side-by-side. Parking is often shared in a single consolidated area, even when garages and carports are used.



MULTIPLEX

Units are Attached but not Vertically Mixed

B. Development Standards

A multiplex is permitted in accordance with the table below.

1

Multiplex Standards	Suburban	Urban, Compact, and Downtown
Lot Dimensions (min.)		
Lot Width (feet)	70	70
Yards (min. feet)		
Street Yard	25 ^{1,2}	15
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20
Street Yard with Rear Vehicular Access (from alley)	5	5
Parking Lot Setback	12	12
Rear Yard	10	10
Building Separation	10	10

¹ Yard modifications may be permitted pursuant to an adopted corridor study.

² Yards may be reduces to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

³ Front vehicular access may be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

2

3

C. Access

4

Where a developed alley is provided, all vehicular access shall be taken from the alley.

5

6

D. Residential Protection

7

Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

8

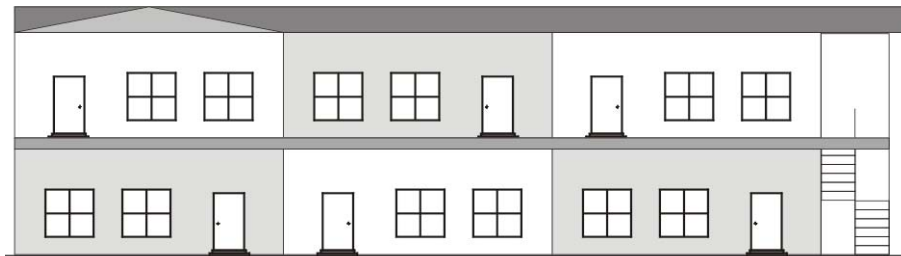
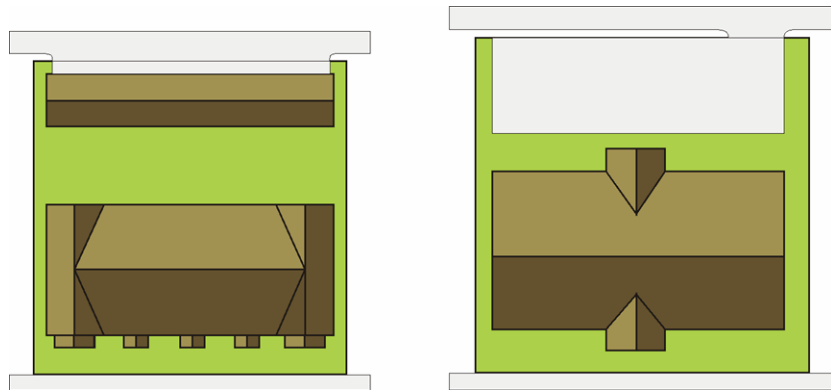
9

10

7.1.10 Apartment

A. Description

An apartment is a multifamily structure(s) on a single tract or parcel of land containing three or more units. Apartments may vary in height; the individual units may be located on separate floors or side-by-side. Parking is often shared in a consolidated area, even when garages and carports are used.



Units are Attached and Vertically Mixed

B. Development Standards

Apartments shall be permitted in accordance with the table below.

Apartment Standards	
Lot Dimensions	
Lot Width (min. feet)	75
Yards (min. feet)	
Street Yard	25
Street Yard with Rear Vehicular Access (from alley)	5
Parking Lot Setback	12
Side Yard	8
Rear Yard	25
Building Separation	10

C. Residential Protection

Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

1 ~~Accessory Uses~~

2 ~~Accessory buildings for apartments include, but are not limited to, management offices, laundry~~
3 ~~rooms, and recreation facilities for residents of the development. Accessory buildings shall be~~
4 ~~shown on an approved site plan.~~

5

6 ~~Site plan approval shall be required for all projects prior to permitting.~~

7 ~~Landscaping and buffers, if required by Article 9, shall apply to the perimeter of the project,~~
8 ~~parking areas, and areas to be screened.~~

Sec. 7.2 Open Space

7.2.1 Purpose

Open space adds to the visual character and uniqueness of each development and allows for recreational and aesthetic enjoyment by the residents. In the Rural Tier, open space is intended to serve as preserved land for passive enjoyment, including, especially, preserved open vistas. In the Suburban and Urban Tiers, in more densely developed projects, improved open space provides centrally located natural areas, community gathering spots, and play spaces that are integral to the livability of the neighborhoods. In the Compact and Downtown Tiers, a limited quantity of open space is required as relief from the intensity of the built environment.

7.2.2 Required Open Space

A. Open space shall be required in all districts in accordance with Article 6, District Intensity Standards.

B. Open space shall be required in all Cluster Subdivisions developments. The quantity of open space shall be equal to the reduction in total lot area, in addition to the open space required in the zoning districts in Sec. 6.2, Sec. 6.3, Sec. 6.4, 0, or Sec. 6.7, as applicable.

~~Open space shall be required in accordance with the following table.~~

Residential Density (Dwellings per Acre)	Percent of Gross Area Required as Open Space
Less than 3.00	5
3.01 to 6.00	10
6.01 to 10.00	12
10.01 to 16.00	15
16.01 and above	18

7.2.3 Use of Required Open Space

A. Land dedicated per Sec. 12.5, Recreation Land, may be counted towards the open space requirements shown in the table below.

B. Required open space may consist of any of the following, up to the maximum percent credit shown in the table.

Open Space Use	Maximum% of Total Open Space			
	Rural	Suburban	Urban	Compact/ Downtown
Percent of required total open space that must be useable	0%	33%	33%	0%
Natural Open Space				
Agriculture, horticulture, silviculture or pasture uses	Up to 100%	Up to 50%	---	---
Naturally vegetated or revegetated to appear naturally vegetated.	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Severe development constraints or other conditions that affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, or steep slopes., or properties that are actively farmed.	Up to 50%	Up to 50%	Up to 100%	Up to 100%
Durham Inventory Sites	Up to 100%	Up to 100%	Up to 100%	Up to 100%
Useable Open Space				
Property developed for active recreational purposes (ballfields, tennis or basketball courts, golf courses, swim clubs, etc.).	Up to 50%	Up to 50%	Up to 50%	Up to 50%
All-weather walking paths, benches, picnic tables, shelters, gazebos, prepared play areas, play equipment	Up to 50%	Up to 50%	Up to 50%	Up to 50%
Publicly accessible plazas and courtyards	---	---	Up to 100%	Up to 100%
Other Open Space				
Stormwater management and community wastewater disposal systems. Easements for drainage, access and underground utilities	Up to 25%	Up to 25%	Up to 50%	Up to 50%
Tree save areas, project boundary buffers	Up to 100%	Up to 100%	Up to 100%	Up to 100%

7.2.4 Open Space Calculation

- A. Streets, driveways, parking lots and required yard spaces provided for the residences may not be counted toward the open space requirement.
- B. Any property having a horizontal dimension of less than 25 feet shall not be considered open space, except within the Compact and Downtown Tiers, where property having a horizontal dimension of at least ten feet shall be considered open space.
- C. Open space shall be measured exclusive of any individual lots, except in the Rural Tier.

~~Where development occurs on a single tract or parcel of land, such as in a condominium or rental units, the open space requirement shall not include the required yard areas.~~
~~Active recreation uses that charge a fee for use may not count towards this provision~~
~~Open space property shall not be disturbed, graded or cleared except in conformance with an approved plan.~~

7.2.5 Useable Open Space Design

- A. **General**
~~Improved Useable open space for single-family detached areas shall have be located with at least one side with having street frontage of at least 50 feet in length, and shall be accessible to residential development by sidewalks, pursuant to Article 12, Infrastructure and Public Improvement.~~

B. Urban Tier

Developments or portions of developments shall provide improved open space when the median lot size is 6,000 square feet or less for detached single family projects, or when the net density is eight units per acre or greater for other residential uses. The Useable open space shall be located ~~and placed~~ so that 95% of the residential units in the subdivision or development covered by this provision are located are within a 1,300-foot walking distance of from improved an accessible, useable open space. area.

C. Suburban Tier

Useable open space shall be located so that 95% of the residential units in the subdivision or development are within a 2,600-foot walking distance of an accessible, usable open space.

~~Improved open space shall be on land that is generally dry, with mild topography, suitable for frequent use, and with a minimum of 8,000 square feet in land area. The improved open space must include an all-weather walking path, perimeter plantings, and at least two of the following: benches, picnic tables, shelters, gazebos, one or more prepared play areas, play equipment, grassed and landscaped areas, and other similar community amenities.~~

~~The improved open space shall be accessible and conveniently located within common areas.~~

7.2.6 Ownership and Management of Open Space

A. Prior to approval of a final plat, a program for continued maintenance of all open space areas shall be submitted. The submission shall include agreements, contracts, deed restrictions, sureties, or other legal instruments approved by the City or County Attorney, as appropriate, to guarantee the provision and continued maintenance of such common areas and facilities.

B. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

1. A permanent conservation easement in favor of either:

a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be *bona fide* and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the City or the County, then a third right of enforcement favoring the City or the County shall be included in the easement; or

b. A governmental entity with an interest in pursuing goals compatible with the purposes of this section acceptable to the City or County, as appropriate.

2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

3. An equivalent legal tool that provides permanent protection, if approved by the City or County, as appropriate.

1 **4. Dedication of the land to an established homeowner's association (with legal**
2 **standing in the property) that accepts permanent maintenance responsibility.**

3 **C. The instrument for permanent protection shall include clear restrictions on the use of**
4 **the open space. These restrictions shall include all restrictions contained in this**
5 **Article, as well as any further restrictions the applicant chooses to place on the use of**
6 **the open space.**

7 **Development Plan Requirements**

8 ~~Open space shall be established on the Development Plan with provisions for~~
9 ~~permanent maintenance either through dedication to a legally established~~
10 ~~homeowners association, or by dedication and acceptance by a governing jurisdiction~~
11 ~~for public use, if such dedication is desired by the governing jurisdiction.~~

12 ~~Open space property shall be described and identified by location, size, use and~~
13 ~~improvements on the Development Plan prior to dedication to an entity identified for~~
14 ~~permanent maintenance.~~

Sec. 7.3 Nonresidential Design Standards

7.3.1 Façade/Roofline Treatment

All non-industrial, nonresidential facilities with exterior walls that are greater than 100 feet in length and visible from a public right-of-way or from adjacent residential development shall incorporate variations in the façade and roofline treatment, such as recesses and projections, doors, windows, or other architectural detailing to ensure visual interest. Recesses and/or projections utilized to meet this standard shall provide for a minimum variation in building face of at least three feet.

7.3.2 Canopies

A. General Standards

1. Canopies in nonresidential zones may extend into the required yard spaces but shall be at least five feet from the any property line and shall not project into any utility easement.
2. Display or storage shall not be permitted as the primary use under the canopy unless outdoor displays and outdoor storage are allowed in the zoning district in accordance with Sec. 7.5, Outdoor Display and Storage. For example, soft drinks may be displayed in association with fuel pumps, but storage of boats under the canopy cannot be the primary use unless outdoor storage is allowed in the district.
Any submittal of a site plan including a canopy shall indicate the location and type of lighting for the canopy area and parking area.

B. Fuel Canopies

1. The maximum distance to the highest point on the fascia shall be 19-1/2 feet as measured from the highest point of the highest grade under the canopy. No variance may be granted for additional height, except when specialized design characteristics associated with architectural features of the neighborhood would warrant some modification to this standard.
2. All light fixtures mounted in fuel canopies shall be recessed.

Drive Up Windows

All business providing drive up service shall identify the drive up area on the site plan. The approving authority shall determine that pedestrian safety, the welfare of the adjacent neighborhood, and maintenance of traffic circulation have been adequately addressed before approving the drive up window.
Each drive up lane shall be a separate lane from the circulation lanes needed for access and parking.
Any speaker systems associated with the drive up window shall be designed and located so as to not adversely affect adjacent uses.
Planting requirements for the drive up window and access lanes, when applicable, shall be the same as those required for Parking Area Landscaping in Article 9.

Sec. 7.4 Outdoor Lighting

7.4.1 Purpose

The purpose of these standards is to assure that exterior lights shall be shielded so that they do not cast direct light beyond the property line in accordance with these standards.

7.4.2 Applicability

- A. Adequate lighting shall be provided in nonresidential and multifamily developments conforming with accepted engineering standards.
- B. Parking areas, sidewalks, and building entrances shall be lighted in order to contribute to the security of property and to facilitate the safe passage of persons using the roads, sidewalks, and parking lots after dark. However, measures shall be provided to prevent light spillover onto adjacent properties and glare toward motor vehicle operators.
- C. The following shall be exempt from these provisions:
 - 1. Outdoor lights used for a temporary event; permitted through a temporary use permit. ~~shall have been obtained for the event.~~
 - 2. Outdoor lights used exclusively for public recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable zoning requirements. Such lighting shall be located at least 50 feet from any adjacent residential district or use.
 - 3. Outdoor lighting exempt from the section used in connection with these categories shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event. ~~within the County Jurisdiction.~~
~~Outdoor lighting used in connection with these categories shall only be illuminated while the activity takes place within the City Jurisdiction.~~

7.4.3 Illumination Levels

- A. All site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below.
- B. Minimum and maximum levels are measured on the pavement within the lighted area. Average level is the overall, generalized ambient light level, and is measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination.

Type of Lighting	LIGHT LEVEL (foot-candles)		
	Minimum	Average	Maximum
Architectural Lighting	0.0	1.0	5.0
Canopy Area Lighting	2.0	10.0	15.0
Multifamily Parking Lot	0.2	1.0	8.0
Nonresidential and Multifamily Entrances	1.0	5.0	15.0
Nonresidential Parking Lot	0.2	1.5	10.0
Storage Area (security lighting)	0.2	1.0	10.0
Vehicle Sales and Display	0.2	3.0	15.0
Walkways, Landscape or Decorative Lighting	0.2	0.8	5.0

7.4.4 Standards

- A. The measures used to prevent the spillover of light and glare shall be indicated on the site plan.
- B. The maximum illumination permitted at the edge of a property line is set forth below. Where a development is unified with shared parking or other measures shown on a site plan, the maximum illumination levels shall apply only to the exterior lot lines of the projects (any interior lot lines shall be exempt from this paragraph).
 1. The maximum illumination at the edge of the property line adjacent to a residential zoning district shall be 0.5 foot-candles.
 2. The maximum illumination at the edge of the property line adjacent to nonresidential zoning district shall be 5.0 foot-candles.
 3. The maximum illumination at the edge of the property line adjacent to a street shall be 5.0 foot-candles.
- C. The approving authority may adjust the standards for the maximum illumination at the edge of a property adjacent to ~~another~~ a nonresidential use if the approving authority determines that the design and nature of the adjacent use creates a need to either reduce or increase the maximum illumination.
- D. The maximum height for directional or full cut-off lighting fixtures (fixtures designed to ensure that no light is emitted above a horizontal line parallel to the ground) shall be ~~25~~ 30 feet above grade.
- E. The maximum height for non-directional lighting fixtures (fixtures designed to allow light to be emitted above a horizontal line parallel to the ground) shall be ~~12~~ 15 feet above grade. Non-directional lighting fixtures ~~must~~ shall be translucent or have baffles to prevent views of the light source. Non-directional lighting fixtures are not recommended for lighting sidewalks, streets, or parking areas. The upward direction of light provided by non-directional lighting may be found to be unacceptable by the approving authority because the off-site effects may be incompatible with the surrounding neighborhood.
- F. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium light sources may be used.
- G. The light source shall be completely concealed within an opaque housing and shall not be visible from any street right-of-way or adjacent properties.

- 1 H. Blinking or flashing lights shall be prohibited within the County Jurisdiction unless
2 the lights are required as a safety feature (e.g. beacons on towers) or shall be
3 permitted as part of a sign in accordance with Article 11, Sign Standards.
- 4 I. Lighting fixtures existing as of 6/12/2000 at the time of approval of this Section
5 (5/15/2000 City, 6/12/2000 County) may remain, and shall be considered
6 nonconforming structures. Modifications, replacement or expansions, shall conform
7 with the standards of this Ordinance.
- 8 J. Under canopy lighting fixtures shall be baffled or shielded to prevent glare. All
9 fixtures on the edge of the canopy shall have cut off shields or diffusers to prevent
10 spillover lighting.
11 ~~The maximum Illumination under a canopy 80 footcandles. average lighting with all~~
12 ~~fixtures baffled or shielded to prevent glare.~~
- 13 K. Lighting shall be oriented not to direct glare or excessive illumination onto streets in
14 a manner that may distract or interfere with the vision of drivers on such streets.
- 15 L. Fixtures used to accent architectural features, landscaping or art shall be located,
16 aimed or shielded to minimize light spill into the night sky.
- 17 M. Outdoor recreation areas shall not be illuminated after 12:00 AM Sunday through
18 Thursday, and after 1:00 AM Friday and Saturday. Exceptions to these time frames
19 shall be permitted for such areas within the UC and DDO districts.
20
21

Sec. 7.5 Outdoor Display and Storage

7.5.1 Applicability

Regulations governing outdoor storage and display shall apply in all non-residential districts.

7.5.2 Outdoor Display

A. Outdoor display is defined as the display of products actively available for sale, but does not include products in boxes, crates, other kinds of shipping containers, or uses considered outdoor storage in accordance with Sec. 7.5.3 below.

B. Outdoor display shall be permitted in association with any nonresidential use following review of a site plan illustrating the extent of the permitted area for outdoor display by the Development Review Board, provided it meets the standards below.

1. All products displayed shall be located outdoors only during the hours the use is open for business.

2. All products displayed outdoors shall be in conformance with an approved site plan, if applicable, and:

a. Shall be located no closer than five feet from any public entrance;

b. Shall extend no more than eight feet from the exterior wall of such use, unless an approved site plan shows an area greater than eight feet;

c. Shall occupy no more than 50% of the building frontage; and

d. Shall not block sidewalks or parking areas, and shall not impede pedestrian or vehicular circulation.

7.5.3 Outdoor Storage

A. General

Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight.

B. Class A Outdoor Storage

1. Class A outdoor storage is defined as garden supplies, building supplies, plants, vehicle sales and services, manufactured home sales, play equipment, and other similar uses.

2. Areas used for Class A outdoor storage shall be permitted following review and approval of a site plan illustrating the extent of the area proposed for outdoor storage, provided it meets the following standards:

a. No outdoor storage shall be allowed in street yards or within 15 feet of any public right-of-way, whichever is greater.

b. No outdoor storage shall be permitted within required vehicular use areas.

c. Outdoor storage may be located to the side of a building, provided it is not located within the side yard.

- d. Any rear yard may be used for outdoor storage purposes, except in the SRP District.

C. Class B Outdoor Storage

1. Class B outdoor storage is defined as material stored in crates, boxes, or shipping containers; lumber yards; pipe; wrecking, junk, and salvage yards; vehicle storage yards; and other similar uses.
2. In addition to the requirements of paragraph B.2 above, areas used for Class B outdoor storage shall be screened from view from the public right-of-way, public vehicular use areas, or adjacent residential development by landscaping, a wall or fence a minimum of six feet in height, in addition to the plant materials that, in combination, meet the opacity standards required pursuant to Sec. 9.7.2.

D. Outdoor Storage in SRP District

1. Outdoor storage shall not be permitted in required setbacks.
2. Outdoor storage shall be screened according to Class B standards (subsection C.2, above), or meeting equivalent opacity standards as approved by the Development Review Board.

~~When allowed, those displays such as garden centers or home building supplies, not including vehicle sales and rentals or heavy equipment sales and rentals, shall be subject to the following additional requirements:~~
~~Standards~~

~~The area displaying the merchandise shall be an accessory to an enclosed retail sales or rental area which is the primary retail business area. The outdoor display area shall be immediately adjacent to the primary sales or rental area and shall be shown on an approved site plan.~~

~~The merchandise shall not be located in the front yard.~~

~~The area displaying the merchandise must be screened from any adjoining residential use or zone. Refer to buffer Section 10 for additional information.~~

~~Permanent displays may not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.~~

Sec. 7.6 Utility and Trash Handling

7.6.1 Applicability

This section shall apply to all development other than single-family detached houses, zero lot houses, traditional houses, patio houses, semi-attached houses and duplexes.

7.6.2 Location

All utilities (including heating or air conditioning units and other mechanical equipment) ~~dumpsters~~ and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Development Review Board. No such facilities shall be located in the required street yard.

7.6.3 Screening

- A. All ground level utilities (including heating or air conditioning units and other mechanical equipment), ~~dumpster~~ and trash handling facilities, ~~including the occupant's recycling facilities,~~ shall be completely screened from the public right-of-way and from the view of any development on any adjoining adjacent properties pursuant to Sec. 9.7.
- B. A wall, solid wood fence, evergreen hedge, earth berm, or any combination thereof shall be provided to obscure ~~these such~~ facilities pursuant to Sec. 9.7; however, when the service side of the particular facility faces any property line, a wall or solid wood fence with gates or doors ~~must~~ shall be provided.
1. The minimum height of screening shall be six inches above the proposed facility.
 2. Landscaping of the entire service area shall be installed in accordance with the landscape buffer requirements listed in Sec. 9.7, plus the requirement of one five-gallon container-sized large shrub per four linear feet.
- C. The Development Review Board may approve similar screening devices that attain the same concealing effect.
~~If shrubs are used as the screening material, they shall be a minimum of five feet in height, spaced no farther than four feet apart.~~
~~If a wall, solid wood fence, or berm is used as the screening material, its minimum height shall be six inches above the proposed facility.~~

7.6.4 Access

All required ~~dumpster, recycling and~~ trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

7.6.5 Utilization

Space allocated to any ~~off-street dumpster, and~~ trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any ~~dumpster or~~ trash handling facility.

1 **7.6.6 Performance**

2 All food-related businesses shall provide water quality treatment in conformance
3 with applicable standards and design guidelines for runoff from trash handling
4 facilities.

Sec. 7.7 Flagpoles and Flags

7.7.1 Definitions

- A. The term flag in this section shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States.
- B. Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners otherwise not meeting the definition ~~for of a flag contained in paragraph A of this Section must shall~~ also conform with all sign regulations in Article 11. ~~under Section 12 of the Zoning Code.~~
- C. Reference to flagpole height ~~in this subsection~~ refers to vertical flagpoles.
- D. References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles, such as staffs extending at an angle from a building.

7.7.2 Requirements

- A. Except as otherwise provided herein, ~~or as allowed by Article 11,~~ flags shall be displayed on flagpoles.
- B. In nonresidential zoning districts, flagpoles shall not exceed the allowed maximum height allowed in ~~of~~ the zoning district or 70 feet, whichever is less.
- C. Flagpoles ~~may shall~~ not be placed on top of buildings unless they are located in the CBD District or a Downtown Design transitional Overlay. ~~District.~~
- D. In residential districts, flagpoles shall not exceed 25 feet in height unless a special use permit is granted by the Board of Adjustment. A fee shall not be charged for a use permit request for a residential flag in a residential district.
- E. A vertical flag pole ~~must shall~~ be set back from all property boundaries a distance which is at least equal to the height of the pole.
- F. The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations.

Pole Height (feet)	Max. Flag Size (square feet)
Up to 25	24
25 to 29	28
30 to 34	40
35 to 39	60
40 to 49	96
50 to 59	150
60 to 70	216

- G. Each property shall be allowed a maximum of three flagpoles unless a special use permit is granted by the Board of Adjustment.

- 1 **H.** A maximum of two flags shall be allowed per flagpole.
- 2 **I.** The flag and flagpole shall be maintained in good repair. A flagpole with broken
- 3 halyards shall not be used and flags which are torn or frayed shall not be displayed.
- 4 **J.** On United States and North Carolina holidays, there shall be no maximum flag size
- 5 or number or other limitations on manner of display.
- 6 **K.** This section shall not be interpreted to restrict the right to display eligible flags as
- 7 banners or noncommercial signage under Article 11, Sign Standards. Flags mounted
- 8 directly on a building wall shall expressly be considered signs and shall be subject to
- 9 Article 11.

10 ~~Variations from this ordinance regarding the height of poles located on top of~~

11 ~~buildings may be granted by the Board of Adjustment, through application for a~~

12 ~~special use permit.~~

13

14

Sec. 7.8 General Performance Standards

7.8.1 Air Pollution

Any activity which releases smoke, particulate matter, gases or contaminants into the atmosphere shall comply with all applicable ~~appropriate~~ federal and State regulations.

7.8.2 Fire, Explosion and Storage of Flammable Materials

All activities shall comply with the Fire Codes of the appropriate jurisdiction.

7.8.3 Hazardous Materials and Wastes

All activities shall comply at a minimum with all applicable State and federal regulations as well as the appropriate County Health Department regulations and City and County fire department regulations for hazardous materials and wastes.

7.8.4 Electromagnetic Transmissions

All activities shall control electromagnetic frequencies so that there is no interference in the operation of equipment off-site and no adverse effects to persons off-site.

7.8.5 Waste Products

Any activity which discharges material or liquids into sanitary sewers ~~or storm sewers~~ shall conform with all federal, state and local discharge and release regulations. City and County sanitation ordinances may also apply. All storage areas, waste disposal areas, and trash handling facilities shall be designed to prohibit wind blown debris from leaving the site. The drainage ~~(other than through appropriate sewers)~~ of waste or stored materials onto adjacent properties or directly into creeks and watercourses or into the stormwater conveyance system is prohibited. Only uncontaminated stormwater runoff may be discharged into the stormwater conveyance system.

7.8.6 Radiation

All activities shall comply with all federal and State regulations which apply to the handling, storage, and disposal of nuclear material.

7.8.7 Noise

Noise shall ~~not exceed levels allowed by~~ be regulated by Chapter 11 (Health and Sanitation) of the Durham City Code and Article 11 of Chapter 14 (Environment) of the Durham County Code. ~~A copy shall be included in the appendix of this ordinance.~~